IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17060 of 2004

Between:

Kurapati Stalin,
S/o. Sri Vandanam,
Chirala Municipality-cum-15th Ward Councillor,
R/o. Chirala

..... PETITIONER

AND

1. The Chair Person, Chirala Municipality.
2. The Commissioner, Chirala Municipality.
3. The Regional Joint Director, Municipal Administration, Guntur.
4. Director of Municipal Administration, Hyderabad.
5. The District Collector, Ongole.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or direction preferably in the nature of Writ of Mandamus, declaring the action of the first respondent in resolving the 56 agenda subjects without any discussion and approval in the General Body Council Meeting held on 9th September, 2004 as arbitrary, illegal and unconstitutional and consequently direct the first respondent to conduct the fresh General Body meeting the transact the business as per procedure and rules contemplated under the Municipality Act.

Counsel for the Petitioner: MR.P.RAMA SHARANA SHARMA

Counsel for the Respondents 1 and 2: MR.DANTU.SRINIVAS

Counsel for the Respondent No.3 to 5: GP FOR MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT.

The Court at the admission stage made the following:
O R D E R:

The petitioner, who belongs to the Telugu Desam Party, states that the 1st respondent-Chair person, who belongs to the Congress Party, convened a General Body Meeting of the Municipality on 09-09-2004 to discuss the agenda points, numbering 61. It is stated that during the course of meeting, the first five items were discussed smoothly and resolved. On the sixth topic, heated discussion had taken place among the members of the House, and hence, the Chairperson declared that the remaining points in the agenda are passed, and there is no discussion on any of the remaining points. Aggrieved by the same, the petitioner submitted a memorandum to the 5th respondent-District Collector. The District Collector, through his letter, dated 13-09-2004, called for the records for taking appropriate action. In the meanwhile, the Chairperson bent up to execute the orders through the Municipal Commissioner. In view of the same, the petitioner moved this Court by way of present writ petition.

Having regard to the fact that the District Collector has already seized the matter and that the writ petition is filed out of the political rivalry between the petitioner and the Chairperson, the same cannot be entertained.

The writ petition is accordingly dismissed. No order as to costs.

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(A.GOPAL REDDY,J)

Dated:22..09..2004

GJ

To

1. The Chair Person, Chirala Municipality.
2. The Commissioner, Chirala Municipality.
3. The Regional Joint Director, Municipal Administration, Guntur.
4. Director of Municipal Administration, Hyderabad.
5. The District Collector, Ongole.
6. 2 CCs to the Government Pleader for Municipal Administration and
   Urban Development, High Court Buildings, High Court of A.P., Hyderabad (O.U.T).
7. 2CD copies.